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UNCLAS BRASILIA 001592

SIPDIS

PASS TO MARAD FOR GHALL/BCARLTON  
PASS TO DOT FOR KTOURTELLOT  
STATE FOR L/SMILLER

E.O. 12958: N/A

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SUBJECT: BILATERAL MARITIME AGREEMENT: ENGLISH AND PORTUGUESE  
LANGUAGE DIFFERENCES

REF: (A) DEMARS-MARAD EMAIL OF 6/16/04 (B) STATE 130399

1. ECONOFF MET WITH INTERNATIONAL RELATIONS ADVISOR WANDERLY MANSO DE ALMEIDA AT THE ANTAQ (BRAZIL'S MARITIME REGULATOR) ON JUNE 16, 2004 TO DISCUSS THE LANGUAGE CHANGES SUBMITTED BY MARAD AND L TO THE BILATERAL MARITIME AGREEMENT PORTUGUESE TEXT (REF A). THE GOB COUNTERPROPOSED THE FOLLOWING CHANGES IN ARTICLE I:

A. SUBSTITUTING "AO TRAFEGO DE LONGO CURSO DE CARGAS" FOR "A CARGA MARITIMA". THE BRAZILIANS JUSTIFY THIS CHANGE BASED ON THE FACT THAT IN BRAZILIAN PORTUGUESE, CARGA MARITIME INCLUDES CABATOGE, WHICH NEITHER THE USG NOR THE GOB WANT TO INCLUDE IN THE AGREEMENT. THE FIRST QUOTED PHRASE MORE CLOSELY RELATES TO THE ENGLISH "OCEANBORNE CARGO".

B. GOB SUGGESTS THE FOLLOWING CHANGES WHICH SERVE TO CONFORM THE TRANSLATED BRAZILIAN VERSION TO THE RULES OF PORTUGUESE: "Cargas transportadas" should be plural, and changed from "carga transportada". GoB would like clarifying language in at least the Portuguese version from "portos e pontos" (ports and points) to "portos ou pontos" (ports or points). Almeida contends this gives the phrase added earlier by the U.S. side more flexibility, since transported cargo doesn't strictly go between ports and points, but might go from port to port, port to point, or point to point. Manso de Almeida also requested the change be made from "no territorio" to "do territorio".

c. If the USG accepts this language, the Portuguese version would read as follows:

"As Partes desenvolverao as suas relacoes bilaterais de transporte maritime em conformidade com as seguintes disposicoes relativas ao trafego de longo curso de cargas, exclusive cargas a granel e cargas transportadas entre portos ou pontos do territrio de qualquer das Partes:"

D. THE GOB ACCEPTED ALL OTHER CHANGES SET FORTH IN THE REFTEL.

2. POST APPRECIATES DEPARTMENT, MARAD, AND DOT EFFORTS TO DATE TO RECONCILE THE PORTUGUESE AND ENGLISH TEXTS, AND AWAITS GUIDANCE FOR A RESPONSE TO THE GOB'S PROPOSED CHANGES.

HRINAK